

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 OC-06 CCO-00 L-03 AID-05 CPR-01

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FM AMEMBASSY BUJUMBURA

TO SECSTATE WASHDC 6122

C O N F I D E N T I A L BUJUMBURA 0413

E.O. 11652: GDS

TAGS: PDIP, ACOM, BY

SUBJECT: HARASSMENT OF AMERICAN EMBASSY BY BURUNDI CUSTOMS

1. OFFICERS IN AF/C WHO RECEIVED WEEKLY NOTES ON COUNTRY TEAM MEETINGS WILL KNOW THAT SINCE MARCH 31, WE HAVE BEEN UNABLE TO GET CUSTOMS TO RELEASE 19 DIPLOMATIC (SURFACE/AIR) POUCHES. TROUBLE STARTED WHEN AIRPORT CUSTOMS CHIEF TOLD US HE COULD NOT RELEASE POUCHES BECAUSE "THEY ARE TOO HEAVY". (IN FACT, THEY WEIGH ABOUT 775 POUNDS.) SINCE THEN, I HAVE SEEN MINISTERS OF FOREIGN AFFAIRS AND FINANCE ABOUT THIS ISSUE (LATTER BOSSES CUSTOMS SERVICE), AND THEY HAVE PROMISED TO EXAMINE QUESTION. HOWEVER, TWO WEEKS HAVE PASSED SINCE LAST DISCUSSION, AND THEY ARE NOW BOTH DODGING ANY FURTHER MEETING. OF COURSE, THEY HAVE READ RELEVANT PROVISIONS OF ARTICLE 27 OF CONVENTION OF VIENNA, BUT THEY MERELY SHRUG OFF REFERENCE TO SENTENCE STATING THAT "DIPLOMATIC POUCHES SHALL NEITHER BE OPENED NOR HELD BACK".

2. WE BELIEVE THAT THESE BAGS CONTAIN USAID MATERIALS WHICH NEW COUNTRY DEVELOPMENT OFFICER ASSEMBLED IN WASHINGTON FOR USE OF OFFICE HERE. HOWEVER, QUESTION OF CONTENTS SHOULD BE IRRELEVANT AS LONG AS THEY ARE "OBJECTS FOR OFFICIAL USE". NO QUESTIONS HAVE BEEN RAISED ABOUT TECHNICAL IRREGULARITIES (SINCE THERE ARE NONE), AND, IN FACT, WE HAVE GOTTEN NO OFFICIAL EXPLANATION FOR BURUNDIAN BEHAVIOR. CHIEF OF PROTOCOL AT BEGINNING AGAIN
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SET OUT HIS FAVORITE LINE THAT SOME OTHER COUNTRIES (SPECIFICALLY THE USSR, WHERE HE WAS ONCE AMBASSADOR) SET WEIGHT LIMITS ON POUCHES, BUT HE HAS DROPPED THIS SINCE I INFORMED HIM THAT MY QUERY TO EMBASSY MOSCOW REVEALED THAT USSR IMPOSES NO LIMITS. WE HAVE CHECKED WITH OTHER WESTERN EMBASSIES HERE, AND WE FIND THAT THEIR POUCH WEIGHTS ARE MUCH BELOW OURS, AND THAT THEY NEVER HAVE TROUBLE AT CUSTOMS. PROTOCOL HAS NOTED THAT OUR WEIGHT OVER

LAST SIX MONTHS HAS EXCEEDED FIVE TONS, BUT IT CLEARLY CONTRAVENES VIENNA CONVENTION TO INTRODUCE WEIGHT ELEMENT INTO POUCH CLEARANCE.

3. UNFRIENDLINESS OF CUSTOMS TO U.S. EMBASSY WAS ALSO SHOWN BY FACT THAT FOR TEN DAYS THIS MONTH IT REFUSED TO ACT ON CLEARANCE DOCUMENT FOR 38 BOXES OF GROCERIES FOR MY PERSONAL USE. AGAIN NO EXPLANATION WAS EVER GIVEN FOR THIS OBVIOUS CHICANERY, WHICH PROTOCOL APPARENTLY ARRANGED TO HAVE STRAIGHTENED OUT.

4. ANOTHER PROBLEM IS THAT CUSTOMS NOW ALWAYS INSISTS ON OPENING UP PERSONNEL EFFECTS OF NEWLY ARRIVED AMERICAN OFFICIALS ON DIPLOMATIC LIST, WHEN EFFECTS DO NOT RPT NOT ACCOMPANY OFFICER. TECHNICALLY, CUSTOMS HAS A RIGHT TO DEMAND THIS IF IT HAS A REASONABLE SUSPICION THAT EFFECTS CONTAIN INADMISSIBLE ITEMS. HOWEVER, THEY SPECIFICALLY REFUSE TO STATE THAT THEY HAVE ANY SUSPICION WHEN THEY INSIST ON INSPECTION. WE FIND THAT DIPLOMATIC OFFICERS IN OTHER WESTERN MISSIONS ARE NOT RPT NOT THUS TREATED. CURRENTLY, WE ARE KEEPING AIR FREIGHT OF USAID OFFICER AT AIRPORT WHILE WE FIGHT ISSUE AS MATTER OF PRINCIPLE.

5. OBVIOUSLY, POUCH QUESTION IS MOST SERIOUS HARASSMENT. RECORDS WILL SHOW THAT THERE WERE SIMILAR PROBLEMS OCCASIONALLY WITH MICOMBERO GOVERNMENT IN 1975 AND 1976. NOW, HOWEVER, WE KNOW OF NO POLITICAL OR POLICY PROBLEM WHICH COULD BE PROVOKING THIS CONDUCT, EXCEPT ORNERINESS OF CUSTOMS OFFICIALS, MOST OF WHOM ARE UNCHANGED FROM OLD REGIME. AS FOR DILATORINESS OF MINISTERS, THAT IS PAR FOR THE COURSE IN BURUNDI, WHERE MINISTERS GET POOR BACKUP FROM STAFFS AND DISLIKE TAKING RESPONSIBILITY ON OWN FOR A DECISION BUCKING THE BUREAUCRACY.

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6. I WILL CONTINUE TRYING TO RESOLVE MATTER HERE BY PUSHING TO SEE MINISTERS AGAIN (THOUGH FONMIN IS ABROAD FOR TWO WEEKS), BY ASKING TO SEE PRIMIN IF NECESSARY, AND BY DISCUSSING MATTER WITH PUBLIC WORKS MINISTER NYABOYA (WHO ACTS AS SORT OF CONFIDANT OF EMBASSY OWING TO HIS U.S. CONNECTIONS) WHEN HE RETURNS FROM FRANCOPHONE SUMMIT IN DAKAR. STILL, I BELIEVE THAT AMBASSADOR NZEYIMANA IN WASHINGTON SHOULD BE CALLED IN TO HEAR A PROTEST. AT THE SAME TIME, RECIPROCITY PROBLEM COULD BE RAISED, THOUGH I SUSPECT THAT WE HERE ARE MORE VULNERABLE TO ANY MUTUAL MUD SLINGING THAN IS SMALL BURUNDIAN STAFF IN THE U.S.

7. THERE MAY BE OTHER WAYS WE COULD SHOW OUR DISPLEASURE, WHILE ENSURING THAT BURUNDIANS UNDERSTAND OUR ACTIONS ARE LINKED TO THE CUSTOMS' MISBEHAVIOR. THUS, WE COULD HINT AT MAJOR SLOWDOWN IN PACE OF WORK TO INAUGURATE AID PROGRAM, ESPECIALLY SINCE 19 POUCHES LARGELY CONTAIN MATERIALS AND ITEMS THAT USAID OFFICER NEEDS FOR HIS OFFICE. I HAVE ALSO THOUGHT OF SAYING THAT WE CANNOT ISSUE VISAS TO GO TO U.S. OR UN BECAUSE POUCHES CONTAIN

ESSENTIAL VISA ISSUING MATERIALS. I WOULD TELL BURUNDIANS
APPLYING FOR VISAS TO GET THEM AT SOME OTHER AMERICAN EMBASSY.
I REALIZE THAT THIS IS A TRICKY BUSINESS, ESPECIALLY IN VIEW OF
AMERICAN OBLIGATIONS VIS-A-VIS THE UN, BUT IT WOULD NOT RPT NOT
BE A VISA REFUSAL, MERELY INACTION FOR THE SAME KIND OF SPECIOUS
REASONING THAT WE ARE FED ON CUSTOMS MATTERS. TO SHOW DISPLEASURE,
I COULD REFUSE INVITATIONS TO OFFICIAL CEREMONIES AND LET PROTOCOL
KNOW WHY.

8. I WILL NOT INITIATE ANY OF STEPS IN PARA 7 UNTIL DEPARTMENT
HAS EITHER APPROACHED NZEYIMANA OR GIVEN ALTERNATIVE SUGGESTIONS.
HOWEVER, I TAKE A SERIOUS VIEW OF MATTER, SINCE EITHER BURUNDI
GOVERNMENT'S FOREIGN RELATIONS ARE SUBJECT TO WHIM OF CUSTOMS
OFFICERS WHOM REGIME CANNOT CONTROL, OR ELSE SENIOR REGIME
ELEMENTS ARE POSITIVELY COLLABORATING WITH CUSTOMS BEHIND THE
SCENES TO HARASS US. EITHER EXPLANATION HAS IMPLICATIONS FOR
THE BUSINESS WE DO HERE.
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